

# Utah! **DIVISION of REAL ESTATE** **NEWS**

*A publication for Utah's real estate, appraisal, and mortgage professionals.*

Jon M. Huntsman, Jr., Governor • Francine A. Giani, Executive Director • Derek B. Miller, Division Director

APRIL 2006

Volume 1 -- Number 2

## **\*NEW\* Postcard License Renewal Notification**

February marked a change in the way real estate sales agents, associate brokers, and mortgage licensees receive notice of upcoming license renewals. Postcard notification provides detailed information about how licensees can renew their licenses online. The postcard also informs renewal candidates that if they are not able to renew online, how they can download, complete, and submit the required paperwork and renewal fee to the Division by their license expiration date. Please note: this is the only notification sent by the Division to a licensee that their license is due to renew.

Remember, the division mails license renewals only to the address you have designated as your mailing address. Check the licensee database on our website to confirm that your address is accurately recorded with the Division (<http://realestate.utah.gov/database.html>). If you need to make an address change, download a change card at <http://realestate.utah.gov/applications.html>, complete and submit your correct address to the Division either by mail (P.O. Box 146711, Salt Lake City, UT 84114-6711), or fax (801) 530-6279.

Please be aware that it can take weeks to process a paper license renewal form and receive the new license in the mail. With online renewal such delays do not occur! Unnecessary delays can be avoided by following the instructions on the postcard renewal notice and renewing your license online.

*continued on page 3*

## **Caravan 2006**

### **Phase I – Central, Southeastern and Southern Utah**

Director Derek Miller and several Division staff members recently returned from meeting licensees in Price, Moab, and St. George. This caravan was the first for Director Miller although the Division has been conducting them for a number of years. In addition to information and updates regarding the real estate, mortgage, and appraisal industries, each meeting had a thorough question and answer session.

Turnout at these sessions dramatically exceeded previous Division Caravan attendance. In St. George, the overwhelming and unexpected turnout meant that many licensees were not able to get a seat. Although the auditorium had a capacity of just under 200, almost that many were turned away (with the promise that the Division would return for an "encore" performance on April 20th).

*continued on page 7*

## ***In This Issue***

From the Director's Desk . . . . .	2
What? My License has Expired?! . . . . .	3
Education or Education Waiver . . . . .	4
Advertising Requirements . . . . .	5
Appraiser Trainee Supervision . . . . .	6
PLM Licensing . . . . .	6
Appraiser Issues . . . . .	7
Confirmation of Agency Disclosure . . . . .	8
Licensing Information . . . . .	9
Licensing Actions and Disciplinary Sanctions . . . . .	9
Staff Spotlight . . . . .	19
Appraisal Pressure Survey . . . . .	19

## From the Director's Desk



**Derek B. Miller**

In the previous newsletter I shared with you my informal mission statement for the Division: “making things as easy as possible for the good guys and as difficult as possible for the bad guys”. In that article I outlined some of the things the Division is doing to accomplish that first goal, including allowing faxed change cards, improving online renewal, and streamlining the sanctions process. I am pleased to report that we continue to make progress on those fronts. I also want to let you know about some new improvements that are on the horizon. Those include allowing Principal Brokers and Appraisers to renew their licenses online. The Division is also looking at how we can expedite investigation cases from initial screenings through resolution. The most significant (in my opinion) improvement we are working on is “Online License Management”. This will allow individual licenses to access, view, and update personal license information such as your address, license status, and company affiliation. It will also allow Principal Brokers and PLM’s to manage their current roster of licensees, with information for each licensee such as renewal dates, license history, and current status. This improvement is in the planning stages, but once implemented it will be a huge advantage to both the industry and the Division.

I also want to address the second goal of the mission statement and how together we can be tough on the bad actors. Let me start by sharing a memorable experience from the recent legislative session. I was sitting in one of the hearing rooms, waiting to testify on a particular bill, listening to the dialogue between the person testifying on behalf of a regulatory office and the various representatives of the regulated industries. What caught my attention was the expressions of mutual respect and appreciation. This exchange caused me to wonder how the relationship between that industry and regulator had evolved and to contemplate whether the Division of Real Estate shared the same relationship with the industries it regulates.

The connection between this experience and “making things difficult for the bad guys” is the simple fact that fighting fraud takes an active public-private partnership between the Division and the real estate, mortgage, and appraisal industries. Over the past six months I have been pleased to see that this

kind of partnership does exist. The question is, “What we can do to make it stronger?”

The first thing we must do is realize that we share the same goal in the fight against fraud. Inevitably, there will be honest disagreements over how to accomplish that goal, but that is natural, and a sign of a healthy partnership. In fact, I believe that working through occasional differences strengthens our partnership and ability to accomplish our common goal.

The purpose of government regulation is to maintain a level playing field for practitioners and to protect the public. The question is one of *balance*; the line between “hassling a customer” with bureaucratic red tape and “weeding out the crooks” by applying appropriate statutes and regulations. At the Division, we walk that line everyday and as we attempt to maintain the proper balance, here is what you can expect from us: First and foremost you can expect to be treated with respect and professionalism. We are working hard to continually increase our level of customer service. This is one reason we are trying to automate processes like renewals and change cards – so the staff can spend time in areas that require a personal touch, such as taking your calls and answering your questions. You can also expect the Division to thoroughly screen all complaints and open investigations where appropriate. Our Enforcement staff will continue to investigate all cases to the suitable conclusion; be that exonerating a falsely accused licensee or sanctioning someone for misconduct.

In the spirit of strengthening our public-private partnership, there are some things that I hope the Division can expect from each of you as members of your respective industries. First, I hope you have a personal goal to maintain the highest standard of ethics and professionalism. Too often our investigators see cases where a licensee tried to “walk as close to the edge as possible”, believing erroneously that they were on firm ground when in truth they had long since fallen off the cliff. I also encourage you to join and be active in your professional organizations and associations. It is an excellent way to advance your profession while improving your own professionalism. Lastly, I hope you will avoid the all-too-easy inclination to sit on the sidelines in the fight against fraud. The reality is that each of you knows better than anyone else what is going on in your industry – both the good and the bad. I invite

*continued on next page*

*continued from previous page*

you to take an active stand against the misconduct you may witness by contacting the Division (through the complaint hotline at 801-530-6356) or your association. Working together is the way – I believe the *only* way – we can effectively fight fraud in our state.

## Postcard Renewal

*continued from page 1*

Watch for your postcard renewal notice in the mail approximately six weeks before your license expiration date. A sample of the postcard renewal notification is represented below:

### FRONT

 <p>STATE OF UTAH DEPARTMENT OF COMMERCE DIVISION OF REAL ESTATE PO BOX 146711 SALT LAKE CITY UT 84114-6711</p>	<div style="border: 1px solid black; padding: 2px; font-size: small;">             FIRST CLASS US POSTAGE PAID SLC UT PERMIT NO. 4621           </div>	<p><b>**NOTICE OF LICENSE RENEWAL**</b></p> <div style="font-size: 2em; transform: rotate(-15deg); opacity: 0.5; position: absolute; top: 50%; left: 50%;">SAMPLE</div> <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-top: 10px;"> <b>Renewal ID:</b> 1234567         </div> <p><b>YOUR LICENSE EXPIRES ON</b></p> <p><b>IF YOUR LICENSE EXPIRES YOU CANNOT WORK UNTIL REINSTATED</b></p>
--	--	--

### BACK

<p><b>**NOTICE OF LICENSE RENEWAL**</b></p> <p><b>INSTRUCTIONS FOR LICENSE RENEWAL</b></p> <p><b>NOTE:</b> Renewal requirements must be completed prior to renewing your license. Your application is subject to audit for compliance with all renewal requirements.</p> <ol style="list-style-type: none"> <li>1. Before you begin, you will need your license number, social security number, debit or credit card (Visa or MasterCard only), and Internet Renewal ID (on front side).</li> <li>2. Go to <a href="http://www.realestate.utah.gov">www.realestate.utah.gov</a> and select "Online Renewal" on the right side of the screen.</li> <li>3. Follow the online instructions. Upon completion, you will be able to print out a temporary license. Your license certificate will be mailed to you within one month.</li> </ol> <p style="font-size: small;">If you are not able to renew online, you must submit, prior to the license expiration date on the front of this notice, a paper copy of your Renewal Form to the Division of Real Estate. The forms and instructions can be downloaded at <a href="http://www.realestate.utah.gov/licensing.html">www.realestate.utah.gov/licensing.html</a></p> <p><b>IF YOUR LICENSE EXPIRES YOU CANNOT WORK UNTIL REINSTATED</b></p>
---

## What? My License Has Expired?!

Take this simple test. Without checking (no fair cheating!), write down on a piece of paper the expiration date of your license. Now, pull out your wallet or purse and find your "pocket" license (or locate the copy of the "wall" license we mailed you at the time of your license issuance or last license renewal. It might be nicely framed and placed on a wall below a lovely/handsome 8" x 12" photo of you, at your office). If you have lost all copies of the license we mailed you, do not despair! You may go to our website at <http://realestate.utah.gov/database.html> and verify this information on our licensee database. Now, check to see whether the date you *think* your license expires, is the same date that your license *actually does* expire (don't forget to check the year!). For many people the date they *think* their license expires is actually *different* from their actual license expiration date.

The Division occasionally receives telephone calls from confused individuals with expired licenses. Expressions of disbelief and disappointment often turn to frustration and/or anger when they realize the consequences for allowing their license to lapse. "I never received my renewal notification in the mail," or "My broker (or former company) was supposed to send in my change card which included my new mailing address," or; "I had a health issue that prevented me from acting on my license renewal at that time," etc. Each of these situations (although heartfelt) does not relieve the individual from their responsibility to renew their professional license.

Those who neglect to ensure that their license is renewed "on time" face additional consequences. Once a license has expired, former licensees are faced with having to pay renewal fees, late fees, submit a change card and the accompanying fee, and if their license has been expired for over 30 days, reinstatement fees and additional reinstatement education (12 hours for both real estate and mortgage licensees - in addition to the required continuing education for active licensee renewals).

*continued on page 4*

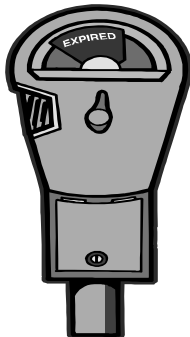
## My License Expired?

*continued from page 3*

These delays and expenses could easily be avoided if licensees would take upon themselves the responsibility to keep track of the expiration date of their license. After initial or license renewal processing, each individual licensee is printed a license (including a smaller version of their license to be kept in your billfold or purse). This license clearly states your name, license number, and license expiration date. It is your responsibility to keep track of when your license expires and perform the necessary steps to renew your license.

Remember, if you have misplaced your license you can verify your license expiration by looking on the Division's website at <http://realestate.utah.gov/database.html>. Please know your license expiration date because the licensee bears the sole responsibility to renew their license in a timely manner.

The Division currently mails out a single postcard renewal reminder (appraisers continue to receive paper renewal instructions and forms until they can renew online within the next few months), yet this courtesy is merely an aid to help you to remember to renew your license. Ultimately licensees are responsible to renew their licenses "on-time."



## "Which Comes First... Education Or Education Waiver?"

Why don't Principal Lending Manager candidates take the required education before they apply for approval from the Division? The answer to that question is relatively simple. The Division (and the candidate) does not know the amount of education (if any) that a candidate needs to become a PLM, until *after* they submit their PLM Experience Documentation Form for review. Only then will the Division be able to determine whether an applicant qualifies under the five or three year experience qualification criteria.

If candidates proceed to take education before they receive an education waiver, they may be taking too much education, or they may ultimately not qualify at all to become a PLM. In this case they would have taken education unnecessarily because they do not qualify to advance to a PLM.

In order to avoid candidate frustrations and confusion, Mortgage Pre-licensing schools have been cautioned *not* to allow students to take the PLM education until after the Division has issued them an education waiver. Logic dictates that it makes no sense to "get the cart before the horse" when it comes to receiving PLM education before the amount of education, if any has been determined.

Some frustrations have been expressed by candidates when the Division notifies them that they only qualify to become a PLM under the three year qualification option (which requires 40 hours of pre-license education, passing both the national and state portions of the exam), when they *believed* that they qualified under the five year option (where passing the state portion of the exam, is the only requirement).

From the PLM Experience Documentation Form alone, the Division will determine the applicant's qualifications to become a PLM. The application will either be denied or approved based on the information provided by the applicant. An applicant would be well advised to list all qualified work experience on their PLM application form in order to assure the most probable likelihood of ultimate approval. The Division discourages applicants from applying, being denied or approved under a "reduced" experience level qualification, and then seeking to re-apply with additional experience documentation. One's initial application should be inclusive of all qualified work experience. Multiple applications with incrementally increasing experience documentation will only delay the applicant and result in anxiety and frustration by the licensee.

Over 1,200 individuals have received a written notification from the Division regarding their application to become a PLM or ALM. These notifications indicate

*continued on page 8*



# Advertising Requirements When Selling Real Estate Licensee-Owned Properties

## Property Listed by Real Estate Licensee (Property Owner) or, Property Owned by Real Estate Licensee but Listed by Another Licensee

If selling a listed property that is personally owned by a licensee, any advertising must include the name of the brokerage (of the listing agent), as shown on Division records.

R162-6.1.5.1 – “Any advertising by active licensees that does not include the name of the real estate brokerage as shown on Division records is prohibited...”

A sign “rider” declaring “owner/agent” is not required. However, the licensee’s ownership interest in the transaction must be disclosed in the real estate purchase contract.



R162-6.1.3 – Licensee’s Interest in a Transaction. “A licensee shall not either directly or indirectly buy, sell, lease or rent any real property as a principal, without first disclosing in writing on the purchase agreement or the lease or rental agreement his true position as principal in the transaction. For the purposes of this rule, a licensee will be considered to be a “principal in the transaction” if he: a) is himself the buyer or the lessee in the transaction; b) has any ownership interest in the property; c) has any ownership interest in the entity that is the buyer, seller, lessor or lessee; or d) is an officer, director, partner, member, or employee of the entity that is the buyer, seller, lessor or lessee.”

## Property For Sale By Owner Agent (Unlisted)

If selling a personally owned property that is not listed, any advertising must include the phrase “owner-agent” or the phrase “owner-broker”.

R162-6.1.5.2 – “If the licensee advertises property in which he has an ownership interest and the property is not listed, the ad need not appear over the name of the real estate brokerage if the ad includes the phrase “owner-agent” or the phrase “owner-broker”.

An important reminder: The purchase contract must include the licensee’s true position as principal in the transaction regardless of whether the property is listed with a real estate brokerage or sold “for sale by owner” (R162-6.1.3).

## Did you know?

The Division often receives continuing education certificates and other documentation for licensees that do not reflect the person's legal name. While you might go by Jack if your name is John, it helps our staff avoid confusion if you use your legal name on all of your correspondence with the Division. We appreciate your efforts to help us do our jobs better!

## Utah! DIVISION of REAL ESTATE NEWS

Division Director ..... Derek B. Miller  
Editor/Contributor ..... Mark Fagergren  
Layout ..... Jennifer Eatchel

© 2006 Published by

Utah Division of Real Estate  
Department of Commerce  
160 East 300 South (84111)  
PO Box 146711  
Salt Lake City, UT 84114-6711  
(801) 530-6747 main line  
(801) 530-6749 main fax line  
(801) 530-6279 forms fax line  
[www.realestate.utah.gov](http://www.realestate.utah.gov)

### Real Estate Commissioners

Dorothy M. Burnham (Bountiful), Chair  
Maralee Jensen (Spanish Fork), Vice Chair  
Bonnie Peretti (Park City)  
H. Blaine Walker (Salt Lake City)  
Doyle C. "Sam" Sampson, Jr. (St. George)

### Residential Mortgage Regulatory Commissioners

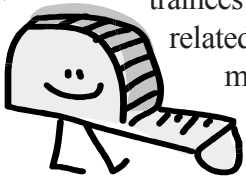
A. Thompson Calder (Park City), Chair  
Pierre Alley (Salt Lake City), Vice Chair  
Julie McCan (Salt Lake City)  
Alan Bowyer (Salt Lake City)  
Heather MacKenzie (Orem)

### Appraiser Licensing and Certification Board Members

J. Philip Cook (Salt Lake City), Chair  
Holly J. Christensen (Provo), Vice Chair  
Jennifer Szczypkowski (West Jordan)  
Craig Morley (St. George)  
Lynn N. Christensen (Layton)

## Appraiser Trainee Supervision

The Division occasionally learns of situations where registered trainees are performing appraisal duties that exceed their experience and licensed authority. Please refer to Administrative Rule R162-105-3.2 for specific duties that may be performed by registered trainees.



“Only those persons who have properly qualified as trainees... may perform the following appraisal related duties: participating in property inspections, measuring or assisting in the measurement of properties, performing appraisal-related calculations, participating in the selection of comparables for an appraisal assignment, making adjustments to comparables, and drafting or assisting in the drafting of an appraisal report. **The supervising appraiser shall be responsible to determine the point at which a trainee is competent to participate in each of these activities**”.

Trainees are not able to solicit appraisal business in their own name, but only in the name of the firm or in the name of the appraiser that is directly supervising them. All engagement letters shall be addressed to the supervisor or the supervisor's appraisal firm, not to the trainee.

Administrative Rule R162-105-3.2.1 further indicates, “in all appraisal assignments, the supervisor shall delegate only such duties as are appropriate to the trainee and shall directly supervise the trainee in the performance of those duties”.

Although currently there are no restrictions on the number of trainees that an appraiser may supervise, soon the number of trainees will be restricted.

In compliance with national standards determined by the Appraisal Qualifications Board effective January 1, 2008, a supervising appraiser may supervise a maximum of three trainees at a time (R162-105.3.4). Until then, supervisors continue to have direct responsibility for the trainees affiliated with them, regardless of the number.

## PLM Licensing Where Are We? (The Numbers Don't Lie)

Despite legislation that passed over two years ago, and repeated communication, only **168** Principal Lending Managers (PLM's), have become licensed as of the end of March 2006. With only one month remaining before the legislatively imposed deadline, the Division is concerned with the low response to this legal requirement, as there are 1,766 actively licensed mortgage entities that require a PLM.

Utah Code 61-2c-201 (5), (8) and (11) state that:

“On or after May 1, 2006, a mortgage officer shall conduct all business of residential mortgage loans:

- (a) through the principal lending manager with which the individual is licensed; and
- (b) in the business name under which the principal lending manager is authorized by the division to do business.”

“On or after May 1, 2006, a mortgage officer whose license has been placed in inactive status may not transact the business of residential mortgage loans until the mortgage officer has licensed with a principal lending manager...”

Over 1,300 education waivers have been granted to PLM candidates. However, to date, only 330 PLM individuals are scheduled to take the exam over the next 30 days. As the May 1<sup>st</sup> deadline approaches, the Division strongly encourages all licensed mortgage entities to quickly complete the requirements to have a legally licensed Principal Lending Manager.

## Caravan 2006

*continued from page 1*

This session was also a success and thankfully all who reserved a seat were admitted.



### (Phase II – Northern Utah)

The second phase of the Division's 2006 Caravan will begin with a meeting in Logan on Tuesday, May 2<sup>nd</sup>. This will be followed by a meeting in Tooele on Thursday, May 4<sup>th</sup>. On Tuesday, May 16<sup>th</sup> the Division will be in Utah County, and on Thursday, May 18<sup>th</sup> the Caravan will travel to Vernal. Watch your mail for further details if you live in or adjacent to a county where the Caravan will be visiting.

## Appraiser Issues

by Jon Brown, Enforcement Director

### Issue #1

Real estate licensees are calling the Division of Real Estate complaining about appraisers who are pulling three comparables and telling lenders they cannot reach a value needed to complete a transaction. You may think this is a good service to your client, but you cannot do a letter report or a verbal conclusion as to what a value could be without following Standard 1 and 2 of USPAP. If you are offering this type of service, STOP! USPAP requires you to go through the process and do the report. Common sense should tell you that you cannot do an "eyeball" type of report. You have completed an appraisal if you say a property

cannot reach a certain value. If the Division of Real Estate uncovers that this has happened, there will be a complete investigation and if USPAP violations are found, there will be action taken against the licensee.

### Issue #2

Administrative Rule 107.1.5 says in part, that it is unprofessional conduct for a supervisor to allow a non-appraiser to (c) "accept an appraisal assignment." Rule 107.6 says in part, that trainees may not be paid by the client, but that the supervisor or supervisor's firm must collect the fee for an appraisal service and that the trainee must be paid by the supervisor. The Division will take action against the supervisor, if an investigation finds the above rules have been violated.

*continued on page 9*

## Education Or Education Waiver?

*continued from page 4*

in some instances whether an individual is denied based on inadequate experience. In the vast majority of cases, the applicants are approved to proceed in the licensing process to become a PLM.

Some are approved under the “three year” experience standard. Others are approved under the “five year” experience requirement (for further information on these two approval options see the January 2006 edition of the Utah Division of Real Estate News at <http://realestate.utah.gov/newsletter.html>).

Included with the personal letter of notification, applicants are provided a

“Mortgage Candidate Education Certifying Document.” This document is stamped and signed by the Division of Real Estate (if the 40 hour education is waived); or, by an approved mortgage pre-licensing school (once the 40 hour education is completed).

The bottom left portion of the “Mortgage Candidate Education Certifying Document” indicates the date in which this document “expires”. Since Associate Lending Managers are not required to be licensed by May 1, 2006, they can complete their licensing, up until the expiration of the certifying document (one year from approval by

the Division or completion of mortgage pre-licensing education).



The education “waiver expiration date” refers only to the date at which time the “Mortgage Candidate Education Certifying Document” expires. **In no way does it waive the requirement for entities to have an actively licensed PLM by the 5/1/06 deadline.** Individuals who are required to become a PLM to comply with the statutory requirement must complete the licensing process by the 5/1/06 deadline!

## Confirmation of Agency Disclosure

Paragraph five of the real estate purchase contract (REPC) is titled “CONFIRMATION OF AGENCY DISCLOSURE”.

**5. CONFIRMATION OF AGENCY DISCLOSURE.** At the signing of this Contract:

[     ] Seller’s Initials     [     ] Buyer’s Initials

The Listing Agent, \_\_\_\_\_, represents [     ] Seller [     ] Buyer [     ] both Buyer and Seller  
as a Limited Agent;  
The Listing Broker, \_\_\_\_\_, represents [     ] Seller [     ] Buyer [     ] both Buyer and Seller  
as a Limited Agent;  
The Selling Agent, \_\_\_\_\_, represents [     ] Seller [     ] Buyer [     ] both Buyer and Seller  
as a Limited Agent;  
The Selling Broker, \_\_\_\_\_, represents [     ] Seller [     ] Buyer [     ] both Buyer and Seller  
as a Limited Agent;

This paragraph includes space to list the names of the listing and selling agents for a transaction. Space is also provided to include the listing and selling brokers names. The brokers’ space is to be completed with the name of the principal broker of the real estate brokerage representing either or both the buyer or seller in the transaction. This space is NOT to be filled in with the name of the listing or selling brokerage. The agency relationship is established between the principal broker and his/her principal in the transaction (buyers and/or sellers). Therefore the name of a branch broker or a company name should not be entered in the space provided for the “broker” in the confirmation of agency disclosure section of the REPC.



## When Can a New Licensee Begin to Conduct Business?

Each day the Division receives a number of inquiries about when an individual that has applied for a new license may begin conducting business. There are a large number of misconceptions and confusion on this issue. Which of the following is correct regarding when an individual may begin to use their license. When they:

- a) take and pass the exam
- b) pass the exam and apply to the Division
- c) apply to the Division (the date stamp on the receipt serves as their temporary license)
- d) call the Division and are issued a license number before their printed license arrives in the mail
- e) receive their printed license in the mail

**The answer to this quiz is answer “e”.** Only when an individual has received their original license in the mail from the Division may they conduct licensed activities.

## When Can a Renewing Licensee Begin to Conduct Business After Their License has Expired?

The answer to this question is the same answer to the quiz above, “when they receive their printed license in the mail.” The exception to this answer is for those who renew their license on-line; they are able to immediately print their “temporary” license, which is valid until their Division printed license arrives.

### “Active” vs. “Inactive”

Any individual is required to have an “active” valid license to perform activities that require a mortgage, real estate, or appraisal license. Renewing an “inactive” license (real estate and mortgage) does **not** enable an individual to act in a licensed capacity. An inactive licensee may not perform licensed activity.

## Appraiser Issues

*continued from page 7*

### Issue #3

Appraisal reports that list trainees as participating in the report, must also state what services the trainee rendered. When a trainee submits an application to become a Licensed Appraiser, they are required to obtain certain experience levels. The reports he submits must be USPAP compliant. If the level of his participation is not in the report, the experience is disqualified and the application is denied. Do it the right way!

## Licensing Actions and Disciplinary Sanctions Appraiser



*Please note that there are 20 days after the order date for a licensee or an applicant to file a request for reconsideration of the order, and 30 days after the date that the order constituting final agency action is issued to file a petition for judicial review. Some of the orders listed may be within those appeal periods.*

BRADY, JOHN, State-Licensed Appraiser, Salt Lake City, UT. License renewed for two years on February 1, 2006 conditioned upon: 1) successful completion of all requirements imposed upon him by the court in a criminal case; 2) the presence of another adult during any property inspection related to an appraisal; and 3) his maintaining a log regarding property inspections and the name of the other adult who was present, and submitting that log to the Division for its consideration as part of his next application for renewal.

CLARK, DARREL R., State-Certified Residential Appraiser, Mapleton, UT. Agreed to pay a \$1,000 fine and complete a 15-hour USPAP course because of violating Standards Rule 1-1(a), which requires an appraiser to be aware of, understand, and correctly employ those recognized methods and techniques necessary to produce a credible appraisal, and Standards Rule 2-1(a), which requires an appraiser to clearly and accurately set forth the appraisal in

*continued on page 10*

*continued from page 9*

a manner that will not be misleading. Mr. Clark was the supervisory appraiser on an appraisal involved in a complaint alleging that a drive-by appraisal of a home in Kaysville, Utah was high and was misleading. #AP19284.

## Mortgage



*Please note that there are 30 days after the order date for a licensee or an applicant to file a request for agency review of the order, and that there are 30 days after the issuance of an order on review for a licensee or an applicant to file a petition for judicial review. Some of the orders listed may be within those appeal periods.*

CARTERET MORTGAGE CORP., Centerville, VA. Application for renewal approved on probationary status in a December 16, 2005 Order because of an action taken against it by the State of Nevada.

DANACAPITAL GROUP INC., Irvine, CA. In a December 16, 2005 Order, Dana Capital Group's application for renewal was approved, but the license was then immediately suspended until the Division receives acceptable evidence that a quality control system and procedures have been implemented for the Utah branches.

DEBLOIS, RYAN, Mortgage Officer Applicant, Salt Lake City, UT. Application for mortgage officer license denied because of factors including frequent criminal cases over several years and the fact that his last criminal conviction is very recent.

DEHER, SHELBY, Mortgage Officer, formerly with American Lending Network, Orem, UT. Agreed to pay a \$500 fine for violating Utah Code Ann. § 61-2c-301(1) by exchanging the pages of two settlement statements and forwarding them to the title company instead of having the borrower sign a revised settlement statement. The borrower filed a complaint with the Division alleging that funds should have been disbursed differently than shown on the revised settlement statement. Ms. Deher maintains that she showed the revised settlement statement to the borrower and that the borrower agreed with the disbursements that were shown on the revised statement. #MG27110.

DEYOUNG, JAMMIANN, Mortgage Officer Applicant, Murray, UT. Application for mortgage officer license approved on probationary status on December 16, 2005 because of factors including a conviction of a criminal offense involving moral turpitude within the last ten years. During the probationary period, Ms. DeYoung shall provide to the Division a written statement signed by any broker with whom she proposes to license acknowledging that the broker has been informed of Ms. DeYoung's past conviction and that her license has been issued on probationary status.

DOJAQUEZ, KIMBERLY, Mortgage Officer, Midway, UT. Application for renewal denied on December 16, 2005 because of factors including misdemeanor cases and failure to report them to the Division at a time when her license was already on probation for failing to disclose the surrender of her Utah real estate sales agent license on her original application for a mortgage license.

ESTOQUE, JENNIFER, Mortgage Officer Applicant, Layton, UT. Application for mortgage officer license denied on December 9, 2005 because of factors including working as a loan officer and closing a loan while unlicensed.

EXCEL HOME LOANS and its Control Person PAUL V. STALEY, Salt Lake City, UT. In a December 9, 2005 Order, the license of Paul Staley was renewed effective the date that he pays a \$1,500 fine to the Division for failure to report a criminal mischief conviction to the Division within ten business days. In the same Order, the license of Excel Home Loans was renewed effective the date it pays a \$500 fine to the Division for failure to report Mr. Staley's conviction within ten business days.

HUNTSMAN, RAYLENE A., Mortgage Officer Applicant, Orem, UT. Application for mortgage officer license granted subject to receipt by the Division of evidence that a civil penalty assessed by the U.S. Dept. of Housing and Urban Development has been paid in full.

LUNDGREEN, TOM W., Residential Mortgage Officer, American Fork, UT. Agreed to pay a \$500 fine for failing to notify the Division within ten business days of a misdemeanor conviction and a plea in abeyance to a misdemeanor in another case. #MG23071.

PAYNE, TREV, Mortgage Officer, Layton, UT. Application for mortgage officer license approved on probation-

ary status for two years in a January 31, 2006 Order, because of factors including past criminal convictions. During the license probation, acknowledgement by his control person that the control person has been informed of the license probation before Mr. Payne may license with any mortgage entity.

PETERSEN, THOMAS, Residential Mortgage Officer, Havencrest Enterprises, LLC, Orem, UT. Agreed to pay a \$4,500 fine for originating four loans in the same subdivision for the same borrower, each of which indicated that the occupancy of the home to be constructed was as a second home. Mr. Petersen maintained that this was an innocent mistake in that his processor mistakenly copied over the original computer file and printed out packages without changing the occupancy status to investment property on three of the loans. #MG24138

RILEY, MICHAEL, Control Person, American Lending Network, Orem, UT. Agreed to pay a \$500 fine for failing to exercise reasonable supervision over the activities of the individuals engaged in the business of residential mortgage loans on behalf of the entity. Mr. Riley's mortgage officer exchanged the pages of two settlement statements and forwarded them to the title company instead of having the borrower sign a revised settlement statement. The borrower filed a complaint with the Division alleging that funds should have been disbursed differently than shown on the revised settlement statement. The mortgage officer maintained that she showed the revised settlement statement to the borrower and that the borrower agreed with the disbursements that were shown on the revised statement. #MG24401.

ROGERS, DAVID, Loan Originating Control Person, Havencrest Enterprises, LLC, Orem, UT. Agreed to pay a \$2,500 fine for failing to exercise reasonable supervision over the activities of the individuals engaged in the business of residential mortgage loans on behalf of the entity. One of the loan officers originated four loans in the same subdivision for the same borrower, each of which indicated that the occupancy of the home to be constructed was as a second home. The loan officer maintained that this was an innocent mistake in that his processor mistakenly copied over the original computer file and printed out packages without changing the occupancy status to investment property on three of the loans. #MG 27091

STEWART, DENNY, Mortgage Officer, South Jordan, UT. Application for mortgage officer license denied in a February 16, 2006 Order because of factors including December 2003 convictions for Attempted Forgery and Theft by Deception.

TELLO, DIANA, Control Person, Semacrita, LLC, Murray, UT. Agreed to pay a \$2,500 for making a false statement by submitting a loan application stating that the borrowers would live in the home to be financed. Ms. Tello acted as the loan officer for borrowers who obtained three owner-occupied loans to purchase three different homes within a period of several months. Ms. Tello maintains that the borrowers told her after each of the first two purchases that they were not happy with the home they had purchased and so had sold in order to buy a different home, but Ms. Tello acknowledges that she should have questioned whether the borrowers had really sold the other homes. #MG22385.

**The following is a list of individuals whose mortgage licenses were revoked for failure to accurately disclose their criminal background on their initial applications.**

<u>Name</u>	<u>Revocation Date</u>
Caton, Gregory	December 2, 2005
Chairez, Erica	December 2, 2005
Cox, Christopher	December 15, 2005
Hansen, Colby	December 2, 2005
Ketchum, Ernest	December 2, 2005
Ortega, Sonya	December 2, 2005
Robinson, Justin R.	December 6, 2005
Sananiego, Brian	December 2, 2005

## Real Estate



*Please note that there are 30 days after the order date for a licensee or an applicant to file a request for agency review of the order, and that there are 30 days after the issuance of an order on review for a licensee or an applicant to file a petition for judicial review. Some of the orders listed may be within those appeal periods.*

ANDERSON, CYRIL, Sales Agent Applicant, Provo, UT. Application for sales agent license approved on probationary status on November 23, 2005 because of factors including a past criminal conviction. During the

*continued on page 12*

*continued from page 11*

probationary period, Mr. Anderson shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Anderson's conviction and that his license has been issued on probationary status.

BALLSTAEDT, DAVID JR., Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license approved on November 30, 2005 but then immediately suspended until such time as he provides proof to the Division that he has paid in full all of his child support obligations.

BARBER, ROBERT, Sales Agent Applicant, Las Vegas, NV. Application for sales agent license denied in a December 30, 2005 Order for factors including a lengthy criminal history including felony Aggravated Exploitation of Prostitution, misdemeanor Assault, and a federal conviction of Interstate Travel in Aid of Racketeering Enterprises and Aiding and Abetting.

BATES, DOUGLAS O., Principal Broker, Allpro Realty Group, Inc., Salt Lake City, UT. Agreed to pay \$500 fine for failing to exercise reasonable supervision by permitting a sales agent to act as an agent for his brokerage without signing and submitting a change card to the Division to affiliate the agent with his brokerage. Mr. Bates maintained in mitigation that the sales agent failed to deliver an original change card to him to sign and submit to the Division. #RE24399

BISHOP, BRYANT J., Sales Agent, Lehi, UT. Agreed to pay a \$500 fine for renewing his license without having taken the Division's Core Course although he had taken 12 other hours of approved continuing education. After the Division audited his continuing education, Mr. Bishop took the Core Course, which will be applied retroactively to his 2005 renewal. #RE26889

BLONDER, JEFFRY, Sales Agent, Sandy, UT. Agreed to pay a \$500 fine for renewing his sales agent license when he had proof of only 9 hours of qualifying continuing education in the past two years, and those hours did not include the Division's core course. After the Division audited his continuing education, Mr. Blonder completed the Core Course, which will be applied retroactively to his 2005 renewal. #RE25966

BOLEY, GLEN, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license denied on December 9, 2005 because of factors including a criminal history spanning approximately ten years, several recent convictions which demonstrate lack of respect for authority and the law.

BRONSON, ROBYN, Sales Agent, St. George, UT. Agreed to pay a \$1,000 fine and complete an ethics course for receiving commission in a transaction from the sellers and for failing to review the settlement documents in a transaction for accuracy, thereby breaching a fiduciary duty to her principal. After a sale in which Ms. Bronson represented both buyers and sellers failed, the buyers and sellers wrote up a new REPC themselves with different terms that did not show Ms. Bronson participating in the transaction. No real estate commission was shown on the settlement statement when the transaction closed, but the sellers thereafter paid Ms. Bronson a real estate commission. #RE02-07-17.

BUTTERFIELD, CHERYL, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license approved on probationary status on November 30, 2005 but then immediately suspended until such time as she is released from criminal probation in connection with a drug-related conviction. After the suspension and while his license is on probationary status, Ms. Butterfield shall provide to the Division a written statement signed by any broker with whom she proposes to license acknowledging that the broker has been informed of Ms. Butterfield's convictions and that her license has been issued on probationary status.

CLARK, MELANIE C., Sales Agent, Pleasant Grove, UT. Agreed to pay a \$500 fine for renewing her license without having taken the Division's Core Course although she had completed 23 hours of qualifying education in the past 2 years. After the Division audited her continuing education, Ms. Clark completed the Core Course, which will be applied retroactively to her 2005 renewal. #RE25430

COLTHARP, KARLA, Sales Agent, Orem, UT. Agreed to pay a \$500 fine for renewing her license and affirming that she had completed the required continuing education, including the Division's Core Course. The Division's audit of her continuing edu-



cation showed that she had completed 16 hours of qualified continuing education in the 2 years preceding her renewal, but the Core Course was not among those hours. Ms. Coltharp subsequently completed the Division's Core Course. #RE25964.

COTTLE, ANDREW T., Sales Agent, Bountiful, UT. Agreed to pay a \$1,000 civil penalty for renewing his license when he had proof of only 3 hours of qualified continuing education in the past two years. Mr. Cottle maintained in mitigation that he had assumed that a 60-hour Real Estate Principles and Practices Course that he had taken at the University of Utah would count toward his continuing education. After the Division audited his continuing education, Mr. Cottle completed the Core Course and applied to the Division for continuing education credit for the university coursework, both of which will be applied retroactively to his 2005 renewal. #RE24833

DEMILLE, JESSIE, Sales Agent Applicant, Cedar City, UT. Application for sales agent license denied on December 9, 2005 because of factors including a March, 2005 criminal conviction and the fact that the nature of the crime dealt with finances, forgery, and theft.

DEVORE, DEBBIE, Sales Agent, West Valley City, UT. Agreed to pay a \$400 fine for renewing her license and affirming that she had completed the required 12 hours of continuing education prior to applying to renew although she could only supply proof of completion of 3 qualifying hours when audited by the Division. Ms. Devore maintained in mitigation that she had taken numerous hours of continuing education but did not have course completion certificates and was trying to obtain replacement certificates when audited by the Division. Ms. Devore completed an additional 9 hours of continuing education after renewing her license, and submitted proof of completion to the Division. #RE27417.

DOMINGO, KATHERINE A., Sales Agent, Washington, UT. Agreed to pay a \$500 fine for renewing her license without having taken the Division's Core Course although she had taken 94 hours of other qualified continuing education in the past two years. After the Division audited her continuing education, Ms. Domingo completed the Core Course, which will be applied retroactively to her 2005 renewal. #RE26447

DUNFORD, NATHAN, Principal Broker, Wasatch Realty Group, LLC, Payson, UT. Agreed to pay a \$500 fine for acting for more than one party in a transaction without the informed consent of all parties. While Mr. Dunford was a licensed assistant at Affiliated Realty Group, he assisted an agent who represented the seller in a transaction, he gave the buyers advice on certain aspects of the pending transaction, thereby implying that he and the agent he was assisting were also acting as buyers' agents. #RE21821

ELKINS, CHAD B., Sales Agent, The Franklin Group, LLC, Centerville, UT. Agreed to pay a \$2,500 fine for acting as a sales agent after his sales agent license expired, and engaging in at least five real estate transactions that required him to have a license. Mr. Elkins maintained that he moved his residence and also changed brokerages and therefore did not receive the renewal notice that was mailed to him by the Division. He acknowledged, however, that it was his responsibility to notify the Division about his changes of address, and that he failed to submit changes of personal address and brokerage affiliation to the Division. #RE27251.

ELLIS, BRIAN R., Sales Agent, Sandy, UT. Agreed to pay a \$100 fine for renewing his license and affirming that he had completed the required 12 hours of continuing education, including the Core Course, when he had only completed 11 hours and those 11 hours did not include the Core Course. In connection with the Division's audit of his continuing education, Mr. Ellis completed the Core Course. #RE23375.

FENTON, RYAN C., Sales Agent, Heber City, UT. Agreed to a \$500 fine for renewing his license and affirming that he had completed 12 hours of qualified continuing education, including the Division's Core Course. The Division's audit of his continuing education showed that he had taken 9 hours of qualified continuing education plus a number of the broker pre-licensing education courses, but he had not taken the Division's Core Course. Mr. Fenton thereafter completed the Core Course. #RE26866.

FORD, KENNETH, Sales Agent Applicant, Lehi, UT. Application for sales agent license denied on December 9, 2005 because of factors including crimes committed while acting as a fiduciary involving others' financial matters and unpaid taxes and back child support.

*continued on page 14*

*continued from page 13*

GABEL, MICHAEL D., Associate Broker, Salt Lake City, UT. Agreed to pay a \$500 fine and complete an agency course for acting as a limited agent for buyer and seller in a transaction after his license had expired. Mr. Gabel maintained that he did not discover that his license was expired until he submitted a change card to the Division to transfer his license from one brokerage to another. Mr. Gabel thereafter applied to the Division to reinstate his expired license. #RE26034.

GEZELIUS, RUTH., Sales Agent, Park City, UT. Agreed to pay a \$500 fine and complete an agency course for violating Administrative Rule R162-6.1.11.3.1, which prohibits a licensee from acting as a limited agent in a transaction in which the licensee is a principal in the transaction. In August 2005, Ms. Gezelius marketed a condominium she owned in the Treasure Mountain Inn in Park City, Utah, and filled out a REPC for prospective buyers and asked them to sign a Limited Agency Consent Agreement to give consent to her acting as a limited agent for both buyers and seller in the transaction. #RE26799.

GIESE, GABRIELE, Sales Agent, Sandy, UT. Agreed to pay a \$500 fine for renewing her sales agent license when she had proof of only 10 hours of qualifying continuing education in the past two years, and those hours did not include the Division's core course. After the Division audited her continuing education, Ms. Giese completed the Core Course, which will be applied retroactively to her 2005 renewal. #RE25965

GILES, BRADLEY, Sales Agent, South Jordan, UT. License application approved on probationary status in a December 30, 2005 Order because of factors including a past criminal background. During the probationary period, Mr. Giles shall provide the Division a written statement signed by any principal broker with whom he proposes to license, acknowledging that he has told the broker about his criminal background and that his license has been issued on probationary status, before the Division will license him with the broker.

GROVER, DAVID, Sales Agent Applicant, Park City, UT. Application for sales agent license approved on probationary status on November 30, 2005 but then

immediately suspended until such time as he is released from criminal probation in connection with a child abuse conviction. After the suspension and while his license is on probationary status, Mr. Grover shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Grover's convictions and that his license has been issued on probationary status.

GUDGELL, D. BRENT, Principal Broker, The Franklin Group Centerville, LLC, Centerville, UT. Agreed to pay a \$500 fine and complete an agency course for violating Utah Code Ann. § 61-2-11(14) by failing to exercise reasonable supervision over his licensees. Mr. Gudgell was unaware of the license status of the sales agents at his brokerage and did not realize that one of the agent's licenses had expired months earlier. In mitigation, Mr. Gudgell maintains that he has now implemented office procedures to make sure that all sale agents who are representing the brokerage complete their continuing education requirements and renew their licenses in a timely fashion. #RE25272.

HAAGA, AARON, Principal Broker, Secure Real Estate, Sandy, UT. Agreed to pay a \$500 fine and complete the Division's Trust Account Seminar for allowing the same \$1,000 earnest money deposit to be used on two different offers to purchase two different properties although only one \$1,000 deposit had been received from the buyer. Mr. Haaga maintained that he believed that both offers would not likely be accepted, so the one earnest money check would be sufficient, but that if both offers were accepted, he would be able to collect the additional earnest money from the prospective buyer. #RE18769.

HAMPTON, DONALD L., Associate Broker, Murray, UT. Agreed to pay a \$500 fine for renewing his license when he had not completed the Division's Core Course, although he had completed 26 other hours of qualified continuing education. After the Division audited his continuing education, Mr. Hampton completed the Core Course, which will be applied retroactively to his 2005 renewal. RE25973

HATTON, JENNIFER, Sales Agent, Park City, UT. Agreed to pay a \$600 fine for renewing her license and affirming that she had completed the required 12 hours of continuing education, including the Division's Core Course, although she had only taken 8 hours and those hours did not include the Core Course. Ms. Hatton maintained that

it was her intention to immediately take the 4 hours that she was short, but that she changed her mind and decided to inactivate her license instead. Ms. Hatton will be required to make up the missing continuing education hours before she will be allowed to activate her license. #RE26006.

HEATH, DAVID W., Principal Broker, Dave Heath, Kaysville, UT. Agreed to pay a \$1,000 fine and complete a course in real estate ethics and the Division's Trust Account Seminar for disregarding a rule that requires a principal broker to register with the Division the name under which his real estate brokerage or property management company will operate. Mr. Heath conducted licensed activity through Highline Property Management and another entity known as CURV Real Estate Services while he was licensed to conduct business under other names. #RE27474.

HEMPHILL, CAMERON, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license approved on probationary status on November 30, 2005 but then immediately suspended until he was released from criminal probation in connection with an Unlawful Purchase/Possession/Consumption of Alcohol by Minor conviction. The suspension ended on December 2, 2005 and Mr. Hemphill's license was activated on probationary status.

HESLOP, ANDREW, Sales Agent, Layton, UT. Agree to pay a \$700 fine for renewing his license when he had proof of only 7 hours of qualified continuing education in the past two years. After the Division audited his continuing education, Mr. Heslop completed the Core Course and an additional 2-hour course, which will be applied retroactively to his 2005 renewal. #RE26471

HOLLEY, RAND, Principal Broker, TRH Property Group, Provo, UT. Agreed to pay a \$500 fine and complete an agency course for violating Administrative Rule R162-6.1.4, which requires a licensee completing a listing agreement to make reasonable efforts to verify the accuracy and content of the listing. County records showed the square footage of a property as 4,259 square feet, but the seller of the property told Mr. Holley that figure was wrong and that he should use 4,750 square feet in the listing. Mr. Holley maintains in mitigation that he relied on the seller's square footage figure because the seller was an appraiser licensed in Utah. #RE27154.

HOLMAN, BRIAN, Sales Agent, Kaysville, UT. Agreed to pay a \$300 fine for renewing his license when he had proof of only 9 hours of qualifying continuing education in the past two years. After the Division audited his continuing education, Mr. Holman completed an additional 3-hour approved course, which will be applied retroactively to his 2005 renewal. In mitigation, Mr. Holman maintained that he thought that a course in investment and appraisal that he had taken at the University of Utah would count for continuing education to renew his real estate license. #RE25435

INGHAM, SCOTT W., Sales Agent, Salt Lake City, UT. Agreed to pay a \$1,100 fine for renewing his license when he had proof of only 3 hours of qualified continuing education. Mr. Ingham maintained in mitigation that he had taken additional qualifying education in the past 2 years but that he could not find additional course completion certificates. After the Division audited his continuing education, Mr. Ingham took additional courses that will be applied retroactively to his 2005 renewal. #RE24361

INNSBRUCK ESTATES and TOD MCKINNON, Layton, UT. Cease and Desist Order issued March 7, 2006, prohibiting offering or selling any right to occupy accommodations until such time as the interests are registered with the Division under the provisions of the Utah Timeshare and Camp Resort Act, or until such time as an Order of Exemption is obtained. Utah residents were solicited to purchase memberships in "Innsbruck," which would provide accommodations in a collection of luxury vacation homes. #RE28430.

JOHNSON, CHRISTOPHER, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license denied on December 9, 2005 because of factors including conviction of Theft within five years preceding application, his probation violations in the criminal case, and the fact that he was still on criminal probation at the time of application for a license.

KLEIN, CARSON, Sales Agent, Sandy, UT. License application approved on probationary status in a January 12, 2006 Order because of factors including a past criminal background. During the probationary period, Mr. Klein shall provide the Division a written statement signed by any principal broker with whom he proposes to license, acknowledging that he has told the broker

*continued on page 16*

*continued from page 15*

about his criminal background and that his license has been issued on probationary status, before the Division will license him with the broker.

LIGNELL, ANISA L., Sales Agent, Kaysville, UT. Agreed to pay a \$500 fine for renewing her license and affirming that she had completed 12 hours of qualified continuing education, including the Division's Core Course. During the Division's audit of her continuing education, Ms. Lignell provided proof of completion of 16 hours of qualified continuing education, but the Division's Core Course was not among those hours. Ms. Lignell thereafter completed the Division's Core Course. #RE26908.

LINDSEY, ROBERT, Sales Agent, Brigham City, UT. Agreed to pay a \$200 fine for renewing his license and affirming that he had completed 12 hours of qualified continuing education. During the Division's audit of his continuing education, he could only find course completion certificates for 10 hours of education although he maintained he had taken an additional course. Mr. Lindsey thereafter took an additional 2-hour course. #RE26883.

LIPMAN, TURID V., Associate Broker, Prudential Utah Real Estate (Parley's Branch), Salt Lake City, UT. Agreed to pay a \$500 fine and complete an agency course for violating Administrative Rule R16-6.2.6, which requires written agency disclosure prior to the time the parties enter into a binding agreement with each other. Ms. Lipman represented both buyer and sellers in a transaction, but the buyer did not sign a Limited Agency Consent Agreement until after the buyer and sellers had reached agreement on the terms of the REPC. Ms. Lipman maintained in mitigation that she had oral permission to represent both parties and that a Limited Agency Consent Agreement should have been in the package of buyer's documents forwarded to her by her office, and that when she realized it was not included in the documents, it was too late to obtain one because the office was closed. #RE25126.

MCDUGAL, BRANDI, Sales Agent, Lehi, UT. Agreed to pay an \$800 fine and complete additional continuing education for renewing her license when she had proof of only six hours of approved continuing education, and those hours did not include the Division's core course. In mitigation, Ms. McDougal had taken an additional 6 hours of education from Rockhurst University that was not approved by the Division for continuing education credit. After the Division audited

her continuing education, Ms. McDougal took the Core Course and additional course hours that will be applied retroactively to her 2005 renewal. #RE26897

MORGAN, J. BRAD, Sales Agent, Affiliated Realty Group, Orem, UT. Agreed to pay a \$1,000 fine and complete an ethics course for acting for more than one party in a transaction without the informed consent of all parties and for failing to inform the buyer and seller in a transaction that they were each entitled to be represented by their own agent if they so chose. Mr. Morgan represented the seller in the transaction and his licensed assistant gave the buyers advice on certain aspects of the pending transaction, thereby implying that Mr. Morgan and his licensed assistant were also acting as buyers' agents. #RE26354

MORRISON, GREG, Sales Agent Applicant, Draper, UT. Application for sales agent license denied in a December 30, 2005 Order for factors including a 1993 federal Mail Fraud conviction for which he has not made full restitution.

NELSON, VAUGHN JARED, Sales Agent Applicant, Clinton, UT. Application for sales agent license approved on probationary status on November 23, 2005 but then immediately suspended until such time as he is released from criminal probation in connection with a DUI conviction. After the suspension and while his license is on probationary status, Mr. Nelson shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Nelson's conviction and that his license has been issued on probationary status.

PARSLOW, ROBERT, Sales Agent Applicant, West Jordan, UT. Application for sales agent license approved on probationary status on December 9, 2005 because of factors including a past criminal conviction. During the probationary period, Mr. Parslow shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Parslow's conviction and that his license has been issued on probationary status.

---



PAVONE, JASON, Sales Agent, Riverton, UT. License application approved on probationary status in a January 12, 2006 Order because of factors including a past criminal background. During the probationary period, Mr. Pavone shall provide the Division a written statement signed by any principal broker with whom he proposes to license, acknowledging that he has told the broker about his criminal background and that his license has been issued on probationary status, before the Division will license him with the broker.

PAYNE, TREV, Sales Agent, Layton, UT. License application approved on probationary status in a January 31, 2006 Order because of factors including a past criminal background. During the probationary period, Mr. Payne shall provide the Division a written statement signed by any principal broker with whom he proposes to license, acknowledging that he has told the broker about his criminal background and that his license has been issued on probationary status, before the Division will license him with the broker.

PEDERSEN, TROND, Branch Broker, Salt Lake City, UT. Agreed to pay a \$500 fine and complete an agency course for failing to disclose in an offer he made to purchase a property that he was a licensed sales agent. Mr. Pedersen maintains in mitigation that he believed that no disclosure was necessary in the offer since he was represented by another licensed agent in the transaction. #RE27459.

PEPPER, MARK, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license denied on November 23, 2005 because of factors including a recent plea in abeyance to Third Degree Felony Theft, and the fact that he recently handled funds belonging to another in a manner that resulted in criminal charges being filed against him.

PLOEHN, BRANDON, Sales Agent Applicant, Murray, UT. Application for sales agent license approved on probationary status on November 23, 2005, but then immediately suspended until he was released from criminal probation in connection with a drug possession conviction. The suspension ended on November 29, 2005 and Mr. Ploehn's license was activated on probationary status. Until his first renewal, Mr. Ploehn shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Ploehn's conviction and that his license was issued on probationary status.

RAGONA, RON, Sales Agent, C-21 1st Choice Realty, Cedar City, UT. Agreed to pay a \$500 fine and complete a REPC course for failing to obtain the signature and initials of the buyer on the seller's property condition disclosure documents. In the fall of 2004, Mr. Ragona acted as buyer's agent in a transaction. After the buyer took occupancy of the home, the roof leaked. The buyer complained to the Division that Mr. Ragona did not provide him with the seller disclosure documents and that, if he had received those documents, he would have had warning that the roof might be leaky. Mr. Ragona maintains that he did provide the buyer with the documents although he did not timely obtain the buyer's signature acknowledging receipt of the documents. #RE24145.

RANDALL, RICHARD CHAD, Sales Agent Applicant, Midvale, UT. Application for sales agent license approved on probationary status on November 23, 2005 because of factors including a past criminal conviction. During the probationary period, Mr. Randall shall provide to the Division a written statement signed by any broker with whom he proposes to license acknowledging that the broker has been informed of Mr. Randall's conviction and that his license has been issued on probationary status.

RICHARDS, ROBERT T., Sales Agent, Eagle Mountain, UT. Agreed to pay a \$900 fine for renewing his license and affirming that he had completed the required 12 hours of approved continuing education. The Division's audit of his continuing education showed that Mr. Richards had completed an Internet-based ethics course that had not been approved by the Division. Mr. Richards maintained that he had been notified by his local Board of Realtors that he was to take the on-line ethics course, and, having done so, he believed that he had satisfied his continuing education requirement. Mr. Richards subsequently completed the balance of the continuing education required to renew. #RE24327.

SEAMONS, JARED, Sales Agent Applicant, Garden City, UT. Application for sales agent license approved on probationary status on November 23, 2005 because of factors including a past criminal history. During the probationary period, Mr. Seamons shall provide to the Division a written statement signed by any broker with whom he proposes to license ac-

*continued on page 18*

*continued from page 17*

knowledging that the broker has been informed of Mr. Seamon's conviction and that his license has been issued on probationary status.

SEIDEL, CANDACE, Associate Broker, New Harmony, UT. Agreed to pay a \$100 fine for renewing her license and affirming that she had completed the required 12 hours of continuing education, including the Core Course, when she had completed 11 hours of qualified continuing education, not including the Core Course, plus an additional 15 hours in other states that did not qualify for continuing education credit in Utah. In connection with the Division's audit of her continuing education, Ms. Seidel completed the Core Course. #RE24349.

SEVY, CAMERON, Sales Agent, Provo, UT. License surrendered effective January 18, 2006 rather than pay a \$500.00 fine that he agreed to pay the Division in settlement of Case RE24352.

SHAVER, BENJAMIN, Sales Agent Applicant, Salt Lake City, UT. Application for sales agent license denied on November 30, 2005 because of factors including criminal history, a recent criminal conviction, violation of criminal probation, a lack of respect for law and authority and a history of lack of responsibility.

SHAW, AMORI, Sales Agent Applicant, St. George, UT. Application for sales agent license approved on probationary status on November 30, 2005 but then immediately suspended until such time as she provides proof to the Division that she has paid in full the money owing for restitution in connection with a criminal conviction involving bad checks. After the suspension and while her license is on probationary status, Ms. Shaw shall provide to the Division a written statement signed by any broker with whom she proposes to license acknowledging that the broker has been informed of Ms. Shaw's conviction and that her license has been issued on probationary status.

SINCLAIR, JOHN CHRISTIAN, Sales Agent, Salt Lake City, UT. License revoked effective February 15, 2006 for making substantial misrepresenta-

tions to various brokerages with which he licensed or applied to license, for being unworthy to act as a sales agent in such manner as to protect the public, and for failure to comply with an Order of the Commission by failing to disclose a past criminal conviction to two brokers. #RE20003.

STONE, TAMMY JO, Sales Agent, Orem, UT. License application approved on probationary status in a January 12, 2006 Order because of factors including a past criminal background. During the probationary period, Ms. Stone shall provide the Division a written statement signed by any principal broker with whom she proposes to license, acknowledging that she has told the broker about her criminal background and that her license has been issued on probationary status, before the Division will license her with the broker.

TRATIAK, GEORGE, Sales Agent, Midvale, UT. Agreed to pay a \$1,500 civil penalty to settle a formal proceeding filed against him by the Division. The Division alleged that Mr. Tratiak violated Utah Code Ann. § 61-2-11(1),(3),(8) and (15), particularly Rule R162-6.1.1, Utah Administrative Code, dealing with false devices. A woman deeded her home to Kyle Ann Tratiak, former wife of George Tratiak. Kyle Ann Tratiak thereafter listed the home for sale with the brokerage for which Kyle Ann Tratiak and George Tratiak were agents. The home was sold and George Tratiak received a commission on the sale. The Division alleged that the home was conveyed to the Tratiaks to sell for the benefit of the woman and her family, but that when the home was sold, the Tratiaks received the sales proceeds and the woman received none of the proceeds. Mr. Tratiak maintains that he did not know about any agreement to sell the home for the benefit of the woman and her family and denies any wrongdoing on his part. He neither admits nor denies the remaining allegations in the Division's Petition. #RE01-03-02.

TRATIAK, KYLE ANN, aka KYLE ANN MORGAN-PHILLIPS, Sales Agent, Sandy, UT. Application to renew her Utah real estate sales agent denied by default on February 15, 2006 for making a substantial misrepresentation in a transaction, being unworthy or incompetent to act as a sales agent, and engaging in the use of a false device in a real estate transaction. Ms. Tratiak sold a home that was in her name for the \$75,000 shown on the REPC and an additional \$15,000 that was not reflected in the REPC or the settlement documents. #RE01-03-03.

URSES, DOUGLAS S., Sales Agent, West Jordan, UT. Agreed to pay a \$900 fine for renewing his license when he

had proof of only 5 hours of qualified continuing education in the past two years. After the Division audited his continuing education, Mr. Urses completed the Division's Core Course and 5 additional hours of qualifying continuing education, which will be applied retroactively to his 2005 renewal. #RE25985

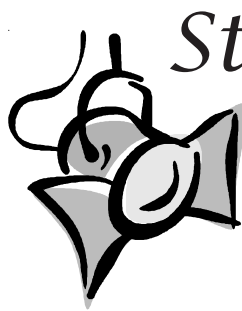
VIGOS, JORDAN, Sales Agent, Santa Clara, UT. License application approved on probationary status in a January 12, 2006 Order because of factors including a past criminal background. During the probationary period, Mr. Vigos shall provide the Division a written statement signed by any principal broker with whom he proposes to license, acknowledging that he has told the broker about his criminal background and that his license has been issued on probationary status, before the Division will license him with the broker.

WICHESKI, TERRY, Sales Agent, formerly with ERA Legacy (Sandy, UT Branch). Agreed to pay a \$500 fine for violating Administrative Rule R162-6.2.6 by failing to disclose in a lease/option agreement that he was a licensed sales agent. Mr. Wicherski maintained in mitigation that the tenants knew that he was a licensed sales agent and that he was the seller/lessor in the transaction. #RE21668

WOOD, JAMEN, Sales Agent Applicant, Ogden, UT. Application for sales agent license denied after Mr. Wood contacted the Division and indicated that he was no longer interested in obtaining a license and agreed that evidence existed that could result in the denial of his application for a sales agent license.

**The following individual's real estate license was revoked for failure to accurately disclose his criminal background on his initial application:**

<u>Name</u>	<u>Revocation Date</u>
Davis, Karl	December 13, 2005



## Staff Spotlight

**Real Estate  
Licensing Specialist  
Celia Corey**

The Division is excited to introduce our new real estate licensing specialist, Celia Corey. Celia joined the Division in February 2006 after a "25 year detour" from the real estate and mortgage industry. In the late 1970's she worked for a local bank as a teller and a loan processor, and for a Savings and Loan institution processing mortgage loans and assisting with the secondary marketing of those loans.

"During the 'detour' years, my husband of 29 years, Doug and I raised two children, Gerald and Alisa," Celia shares. She says, "I am happy to return to the real estate and mortgage industry."

Her responsibilities at the Division currently include processing real estate reciprocal license applications, processing real estate change cards, and fielding questions from real estate licensees (via phone calls and e-mail - [ccorey@utah.gov](mailto:ccorey@utah.gov)). In her short time here she has already realized that "the workload that is processed through this Division is impressive."

Celia's advice to licensees is to:

1. Memorize the expiration date of your license.
2. Complete your CE requirements 30 days prior to that date.
3. Utilize our website ([www.realestate.utah.gov](http://www.realestate.utah.gov)) for information, forms, and license renewal.

---

## New Appraisal Pressure Survey in the Works

(Richfield, Ohio)—October Research Corp. has announced it is conducting a follow-up survey on whether appraisers are being pressured to restate home values to help make deals go through. It expects to publish results this Spring.

In 2003, the company's survey found that more than 55 percent of professional appraisers felt they had been pressured to inflate property values. Over 25 percent of the appraisers surveyed said they felt pressure on at least half of their orders.

The survey was seen as a condemnation of practices by lenders, mortgage brokers and real estate agents who are anxious to make deals go through.

*Reprinted from the Real Estate Intelligence Report 02/27/06.*

---

**Department of Commerce  
Division of Real Estate  
PO Box 146711  
Sale Lake City UT 84114-6711**

---

**Presorted Standard  
U.S. Postage PAID  
Salt Lake City, UT  
Permit No. 4621**

---

**Distribution: Kindly Circulate and Post**